



## CITY OF MORGAN HILL

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17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

### CITY COUNCIL AGENDA

### REGULAR MEETING

WEDNESDAY, JUNE 17, 1998

Morgan Hill Civic Center	Mayor	Dennis Kennedy
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Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tempore Council Member Council Member Council Member	Cynthia J. Cook Hedy L. Chang J. Robert Foster Bev E. Freeman
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**7:00 P.M.**

**CALL TO ORDER**

( Mayor Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk Torrez)

**DECLARATION OF POSTING OF AGENDA**

Per Government Code 54954.2

(City Clerk Torrez)

**SILENT INVOCATION**

**PUBLIC SERVICE ANNOUNCEMENT**

Alex Kennett

*Fourth of July Festivities*

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**

Retirement of Mike & Cricket Rubino

*Emerald Regime*

**CITY COUNCIL REPORT**

Council Member Chang

**CITY MANAGER'S REPORT**

*Recognition of Educational Achievement*

**CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT**

**PUBLIC COMMENTS**

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.**

***\* Staff is requesting that the Mayor take Item # 25 (City Budget) before Consent Calendar due to Budget related items on the Consent calendar.***

**CONSENT CALENDAR:**

The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **MAY FINANCE AND INVESTMENT REPORT**  
**Recommended Action:** Accept and File Report.
2. **BUDGET APPROPRIATION FOR CITYWIDE SOFTWARE PURCHASE OF WORDPERFECT 8.0 UPGRADE**  
**Recommended Action:** Appropriate \$12,000 from the Finance Department Internal Service Fund Balance to purchase WordPerfect 8.0 upgrade City wide.
3. **1998/99 VEHICLE MAINTENANCE AGREEMENT BETWEEN THE CITY OF MORGAN HILL AND THE MORGAN HILL UNIFIED SCHOOL DISTRICT**  
**Recommended Action:** Authorize the City Manager to execute all appropriate documents necessary to enter into a one year vehicle maintenance agreement with the Morgan Hill Unified School District (Exhibit A) in an amount not to exceed \$100,000 citywide.
4. **MT. HOPE CEMETERY**  
**Recommended Action:** Extend the Mt. Hope Cemetery Escrow Closing until July 15, 1998 and extend the Mt. Hope Rental Agreement until July 15, 1998.
5. **INVESTMENT POLICY UPDATE**  
**Recommended Action:** Review and approve updated investment policy.
6. **ENCUMBRANCE OF FY 97-98 CDBG ROLL-FOR ADA PARKS UPGRADES**  
**Recommended Action:** Approve the encumbrance of FY97-98 CDBG funds in the amount of \$57,000 to FY98-99 for the City of Morgan Hill's project entitled ADA Upgrades - Parks.
7. **1998-99 HOUSEHOLD HAZARDOUS WASTE RECYCLING AND COLLECTION PROGRAM**  
**Recommended Action:** Authorize the City Manager to execute the "First Amendment to Agency Agreement for Countywide Household Hazardous Waste Collection Program" in the amount of \$30,000.

8. **SUBDIVISION APPLICATION SD 98-04: WHITE CLOUD - OAK CREEK DEVELOPMENT**  
**Recommended Action:** **Take no action**, thereby concurring with the Planning Commission's decision regarding approval of the subdivision map.
9. **SDA 96-09: BARRETT-WARMINGTON**  
**Recommended Action:** **Take no action**, thereby concurring with the Planning Commission's decision regarding approval of the subdivision map.
10. **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDSCS) QUARTERLY REPORT NO. 2**  
**Recommended Action:** **Accept** the report by minute action.
11. **ACCEPTANCE OF THE "STREET CRACK SEALING -- JACKSON OAKS AREA" PROJECT**  
**Recommended Action:** 1) **Accept** as complete the Street Crack Sealing -- Jackson Oaks Area Project in the final amount of \$10,000 and 2) **Direct** the City Clerk to file the attached Notice of Completion with the County Records' office.
12. **AWARD OF CONTRACT TO KIMKAN CONSTRUCTION, INC .FOR CONSTRUCTION OF DUNNE AVENUE SEWER REPLACEMENT PROJECT**  
**Recommended Action:** **Award** contract to Kimkan Construction, Inc. or the construction of Dunne Avenue Sewer Replacement Project in the amount of \$65,935.
13. **AMENDED RESOLUTIONS SETTING ANNUAL PUBLIC HEARING FOR THE FOX HOLLOW - MURPHY SPRINGS LIGHTING AND LANDSCAPING ASSESSMENT DISTRICT**  
**Recommended Action:** **Approve** attached Resolutions (in order) which supersede Resolution No. 5193 adopted May 20, 1998 setting the annual Public Hearing for Fiscal Year 1998-99 for the Fox Hollow-Murphy Springs Lighting and Landscaping Assessment District.
14. **AWARD CONTRACT FOR ANNUAL TRAFFIC SIGNAL MAINTENANCE**  
**Recommended Action:** **Award** a two year contract with an additional one year renewal option to Peek Traffic-Signal Maintenance, Incorporated for the maintenance and installation of traffic devices in the amount of \$38,402 annually.
15. **APPROVAL OF PUBLIC WORKS OPERATIONS DIVISION CONTRACTS FOR FY 1998-99**  
**Recommended Action:** 1) **Approve** attached 1 year contract extension for tree pruning/removal to Shimada Landscape, Inc. in the amount of \$76,200, 2) **Approve** attached 1 year contract extension for telemetry system maintenance/upgrades to Telekey SCADA Systems in the amount \$30,000, 3) **Approve** attached 1 year contract extension for street sweeping to Piazza Mobil Sweeping in the amount of \$28,370 and 4) **Approve** attached 1-year contract for landscape maintenance of the Fox Hollow/Murphy Springs Assessment District to Diablo Landscape Management, Inc. in the amount of \$54,420.
16. **AMEND CITY'S FEE RESOLUTIONS TO REFLECT NEW FEES IN EFFECT DUE TO AUTOMATIC INFLATION INCREASE**  
**Recommended Action:** 1) **Adopt** the attached resolution amending Resolution #4997 to adjust the Traffic Impact Mitigation Fee per the current Engineering News Record Construction Cost Index, and 2) **Adopt** the attached resolution amending Resolution #4930 by increasing the development impact fees per the current Engineering News Record Construction Cost Index.
17. **APPROVAL OF CONTINUED MEETING MINUTES OF MAY 27, 1998**
18. **APPROVAL OF REGULAR MEETING MINUTES OF JUNE 3, 1998**
19. **APPROVAL OF SPECIAL MEETING MINUTES OF JUNE 3, 1998**

**LEGALLY NOTICED PUBLIC HEARINGS:**

20. **ORDINANCE ESTABLISHING A GRAFFITI ERADICATION PROGRAM AND PROHIBITING GRAFFITI**  
**Recommended Action:** Open and Continue the public hearing until July 1, 1998.
21. **DEVELOPMENT AGREEMENT AMENDMENT: DAA 98-01: SAN PEDRO-FRANCISCO**  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action- Motion to waive the reading in full of the ordinance approving the exception to loss of building allocation;  
Motion to introduce ordinance by title only.
22. **ZONING AMENDMENT APPLICATION ZA-98-05 AND DEVELOPMENT AGREEMENT APPLICATION DA-98-04: WHITE CLOUD - OAK CREEK (APN 779-52-002)**  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action - Motion to approve mitigated negative declaration;  
Action- Motion to waive the reading in full of the residential planned development (RPD) ordinance;  
Motion to introduce ordinance by title only.  
Action- Motion to waive the reading in full of the development agreement (DA) ordinance;  
Motion to introduce ordinance by title only.
23. **DEVELOPMENT AGREEMENT AMENDMENT: DAA 96-03: BARRETT-WARMINGTON**  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action - Motion to approve mitigated negative declaration;  
Action- Motion to waive the reading in full of the ordinance amending the development agreement;  
Motion to introduce ordinance by title only.
24. **URBAN SERVICE AREA APPLICATIONS: USA 98-01: WEST MIDDLE-ROCHA, USA 98-02: WEST EDMUNDSON-MALONE, USA 98-03: CLAYTON AVE.-CITY OF MORGAN HILL, USA 97-04 EAST MAIN-FOX/BERNS**  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
**Application USA-98-01: W. Middle-Rocha**  
Action - Motion to adopt resolution of denial.  
*Should the City Council wish to include USA 98-01 into the Urban Service Area Boundary*  
Action - Motion to direct application back to Planning Commission.  
**Application USA-98-02: W. Edmundson-Malone**  
Action - Motion to adopt resolution of denial.  
*Should the City Council wish to honor applicant's request*  
Action - Motion to table the application.  
**Application USA-98-03: Clayton Ave.-City of Morgan Hill**  
Action- Motion to take no action, thereby leaving the subject property within the USA boundary  
**Application USA-97-03: E. Main-Fox & Berns**  
Action- Motion to indicate a consensus to include area within Urban Service Area.  
Action - Motion to direct staff to complete environmental assessment and return with a Resolution of approval after renoticing has occurred.

**OTHER BUSINESS:**

25. **1998/89 CITY OF MORGAN HILL BUDGET**

**Recommended Action:** **Adopt** by resolution the 1998/99 City of Morgan Hill Budget.

26. **PRESENTATION BY THE VALLEY TRANSPORTATION AUTHORITY REGARDING TRANSIT SERVICE**  
**Recommended Action:** 1) **Accept** and **discuss** presentation by the Valley Transit Authority and 2) **direct** staff to continue discussions with the VTA regarding bus routes, the development of a multi-modal transit station and methods to encourage public input on this issue.
27. **DUNNE AVENUE - CONDIT ROAD CORRIDOR DEVELOPMENT**  
**Recommended Action:** 1) **Direct** Mayor to convene Task Force to identify preferred commercial land uses for the Dunne Ave./Condit Rd. Corridor. Task Force recommendations to be submitted to Council for consideration at its August 19 meeting and 2) **Direct** staff to schedule for Council review all Architectural and Site Review applications for commercial development on Dunne Avenue between Monterey Road and Murphy Avenue and on Condit Road between Diana Avenue and Tennant Avenue. This review will include all pending and future applications until such time as the Council implements alternative land use measures for the area or otherwise directs.
28. **ALLOWABLE HOURS FOR BUILDING CONSTRUCTION**  
**Recommended Action:** **If the City wishes to consider** an amendment to the City Code, **direct** staff to prepare an ordinance amendment for its consideration.

**ROLL CALL VOTE:**

The Roll Call Vote, Agenda Items #29 through #33 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

29. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1394, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending a development agreement to provide for exception to loss of building allocations for application MP-94-18: Cochrane-Ruge. (APN 727-13-045, 047 and 005)
30. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1395, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending Ordinance No. 545, New Series, incorporating revised sign guidelines for the Planning Unit Development located on the south side of Cochrane Road, between Monterey Road and Highway 101, amending A-3, page 6 of the guidelines to indicate that the sign is to be located on either of the hotel sites, adjacent to the freeway and further amended to indicate that "the sign not to exceed 40 feet in height from the natural ground level, and be located on the hotel sites."
31. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1396, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill adding Section 8.60 of the Municipal Code regarding prohibition of scavenging
32. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1397, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending the procedures of the Residential Development Control System as set forth in Chapter 18.78 Article III of the Morgan Hill Municipal Code.
33. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1398 NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill rescinding and replacing Chapter 18.42 of the Municipal Code, regarding flood damage prevention.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.

Note: in Accordance with Government Code Section 54954.2(a), There Shall Be No Discussion, Debate And/or Action Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

**OPPORTUNITY FOR PUBLIC COMMENT**

**CLOSED SESSION:**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code Section 54956.8  
Property: APN #764-32-05, South side of Llagas Road, approximately 394 feet west of Hale Avenue, 15 acres  
Negotiating Parties: Property Owners: O'Conner Health Service Corp.; City of Morgan Hill: Jim Ashcraft; Gale Connor  
Under Negotiation: Price and Terms of Payment

**CLOSED SESSIONS ANNOUNCEMENT:**

**ADJOURNMENT TO:** Special Redevelopment Agency Meeting (see separate agenda)

**FUTURE COUNCIL AGENDA ITEMS:**

1. Resolutions Certifying the Results of the June 2, 1998 and Calling a Regular Election for November 3, 1998
2. Update Report o City council Goals
3. Graffiti Ordinance
4. Review YMCA Contract
5. Revised Shopping Card Ordinance
6. Council Option to Cancel Second Council Meeting in August (annual summer break)

**OPEN PUBLIC COMMENT PERIOD (3 MINUTES)**

At **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**SPEAKER CARDS**

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

**NOTICE**

**AMERICANS WITH DISABILITY ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #20 through #24 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.